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I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: July 7, 2004

*Sonia V. McVean*  
Sonia V. McVean

**PATENT**  
**36856.1172**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Jun ENDO and Teruyoshi MUKAIHIRA Serial No.: 10/728,464 Filing Date: December 5, 2003 For: POINTING DEVICE AND METHOD OF PRODUCING THE SAME	Art Unit: 2673 Examiner: Not yet assigned
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**PETITION UNDER 37 C.F.R. 1.53(e)**

Mail Stop Missing Parts  
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P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice Of Omitted Item(s) in a Nonprovisional Application Filed Under 37 C.F.R. 1.53(b), mailed July 1, 2004, enclosed please find the following:

1. Copy of the Notice Of Omitted Items;
2. Check in the amount of \$130.00 to cover the petition fee under 37 C.F.R. 1.17(i);
3. Copy of the returned postcard with evidence of receipt from the PTO; and
4. Figure 3, apparently, missing from the application.

07/12/2004 HLE333 00000049 10728464

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130.00 OP

Applicants hereby assert that figure 3 was deposited in the PTO with the application papers filed December 5, 2003. Because the postcard receipt itemizes 7 sheets of formal drawings and is stamped by the PTO as being received, the postcard serves as *prima facie* evidence of receipt of figure 3 in the PTO, as set forth in MPEP §503. A substitute figure 3 is submitted herewith in the event that figure 3 deposited with the application is not found.

A general authorization/petition for extensions of fee was filed concurrently with the filing of the present application. The Commissioner of Patents is authorized to charge any shortage in the fees due or credit any overpayment to Deposit Account No. 50-1353.

Respectfully submitted,



Date: July 7, 2004

Attorney for Applicant(s)  
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Reg. No. 37,368

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**10400 Eaton Place**  
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UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/728,464	12/05/2003	Jun Endo	36856.1172

Keating & Bennett LLP  
 Suite 312  
 10400 Eaton Place  
 Fairfax, VA 22030



CONFIRMATION NO. 2192  
 FORMALITIES LETTER



\*OC000000013119768\*

Date Mailed: 07/01/2004

**NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION**

**FILED UNDER 37 CFR 1.53(b)**

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Figure(s) 3 described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) OR (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the

references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes . Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

Replies should be mailed to: Mail Stop Missing Parts  
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*3m51*  
*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Serial No. unknown, new off Attorney: JRK Mailing Date 12/05/2003  
Client MURATA Our Ref. No. 36856.1172

Title POINTING DEVICE AND METHOD OF...

Applicant(s): SUN, ENDO et al.

The following, due 01/20/2003 in the U.S. Patent & Trademark Office, was received in the U.S. Patent & Trademark Office Mail Room on the date stamped hereon:

Patent Application, Including:  
 26 Pages of Specification, including:  
 20 Claims and Abstract  
 Drawings 7 Sheet(s) (FORMAL)  
 Combined Decl./Power of Atty.  
 Transmittal Letter  
 Associate Power of Attorney  
 Assignment with PTO 1595  
Small Entity Status Form  
 Priority Document(s) (4)  
Petition for Extension of Time  
Preliminary Amendment  
 IDS w/ Form PTO 1449 w/  
21 cited references  
Request for Continued Examination  
Request for App. of Drwg. Corrections  
VIA HAND DELIVERY  
CERTIFICATE OF MAILING  
 EXPRESS MAIL NUMBER: EL629609046US

Amendment  
 Request for Reconsideration  
 Amendment After Final Rejection  
 Response to Restriction Requirement  
 Notice of Appeal  
 Letter to Official Draftsperson  
 Issue Fee Transmittal  
 Change of Address  
 Response to NTFMP  
 General Authorization to Charge Acct.  
 Charge Acct. Authorization for \$ \_\_\_\_\_  
 Credit Card Payment Form for \$ 730.00  
 Credit Card Payment Form for \$ 40.00  
 Check No. \_\_\_\_\_ for \$ \_\_\_\_\_  
 Check No. \_\_\_\_\_ for \$ \_\_\_\_\_

22278 US PTO  
10/728464

